

October 10, 2006

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-06-0195 - TRANSITION PLAN
FOR THE REGULATION OF CERTAIN BYPRODUCT
MATERIALS MANDATED BY THE ENERGY POLICY ACT OF
2005

The Commission has approved the staff's approach for developing and publishing the final transition plan, approved the staff's use of the criteria in the Integrated Materials Performance Evaluation Program (IMPEP) as a basis to determine if Agreement State programs to license the materials covered under the expanded definition of byproduct material are adequate to protect public health and safety, and approved seeking early State review and comment on the draft transition plan.

Rather than performing special evaluations in cases where a new Agreement State has not yet had an IMPEP review, or an Agreement State program was found to need improvement, the staff should accept the Governor's certification that the State has a program for licensing byproduct material as adequate assurance that the program meets the requirements set forth in the Energy Policy Act of 2005. The staff should subsequently verify the adequacy of the implementation at the next scheduled IMPEP.

cc: Chairman Klein
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
OGC
CFO
OCA
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR